

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CYTYC CORPORATION,

Applicant,

v.

DEKA PRODUCTS LIMITED
PARTNERSHIP,

Respondent.

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CIVIL ACTION
NO. 05-10932 (WGY)

CYTYC CORPORATION'S UNOPPOSED MOTION TO STAY PENDING APPEAL

Pursuant to Federal Rule of Civil Procedure 62(d), Local Rule 62.2, and Federal Rule of Appellate Procedure 8(a)(1), Cytyc Corporation respectfully submits this Motion to stay this Court's July 8, 2005 order denying Cytyc's application to vacate the final award of an arbitration panel and affirming DEKA Products Limited Partnership's cross-motion to confirm the award. In support of this Motion, Cytyc states:

1. Cytyc previously moved to stay this Court's July 8, 2005 order by offering to file a letter of credit in lieu of a supersedeas bond. DEKA opposed both the amount of Cytyc's proposed letter of credit and the use of a letter of credit as security for the judgment pending Cytyc's appeal. On September 6, 2005, this Court issued an electronic order denying Cytyc's motion to stay pursuant to a letter of credit.
2. Cytyc now moves that the Court issue a stay pursuant to a supersedeas bond in the amount of \$11,072,941, which represents the amount of the arbitration award, plus ten percent, plus \$500.00, as directed by Local Rule 62.2. Counsel for DEKA has told counsel for Cytyc that

DEKA will not oppose this Motion. Cytac will post the supersedeas bond upon approval of the amount by this Court.

WHEREFORE, for all of the foregoing reasons and the reasons in its accompanying memorandum in support of this Motion, Cytac respectfully moves that this Court stay this Court's July 8, 2005 order pending appeal.

CYTAC CORPORATION

By its attorneys,

/s/ Lisa Pirozzolo

Lisa J. Pirozzolo, Esq. (BBO #561922)

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Dated: September 19, 2005

LOCAL RULE 7.1(a)(2) CERTIFICATE

I, Lisa J. Pirozzolo, hereby certify that counsel for Cytac has conferred with counsel for DEKA regarding this Motion, and that counsel for DEKA has stated that DEKA will not oppose the Motion.

/s/ Lisa Pirozzolo

Lisa J. Pirozzolo

CERTIFICATE OF SERVICE

I, Lisa J. Pirozzolo, hereby certify that the foregoing Cytoc Corporation's Motion For Stay Pending Appeal was served by First Class Mail on September 19, 2005 upon:

Lee Carl Bromberg
Erik Paul Belt
BROMBERG & SUNSTEIN LLP
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(617) 443-9292

/s/ Lisa Pirozzolo

Lisa J. Pirozzolo